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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,271	07/11/2001	Hawley K. Rising III	020699-002500US	2025

8791 7590 11/16/2006

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EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/904,271		RISING ET AL.	
	Examiner		Art Unit	
	Tung Vo		2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-14 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) 6,15 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-14 and 16-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/16/2006 has been entered.

Claim Rejections - 35 USC § 101

2. Claims 10-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claims 10-18, a computer-readable medium having executable instructions does not define any structural and function interrelationships between the executable instructions and other claimed elements of a computer which permit the executable instructions functionality to be realized. See Interim Guideline, page 53.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1, 2, 8, 10-20, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, 8, 10, 11, 17, 19, 20, and 25, the applicant claims MPEG-7 in the present application. However, the claimed MPEG-7 is not specified in which version. According the MPEG-7, there are different versions in the MPEG-7.

Claims 10-18, "computer readable medium" and "executable instructions" are not disclosed in the specification of the present application. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-14, and 16-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman et al. (US 6,564,263) in view of Vetro et al. (US 6,490,320).

Re claims 1-5, 7-14, and 16-28, Bergman teaches in communication system (figs. 3 and 8), a method of optimizing MPEG-7 transmissions between a server and an one or more clients (figs. 1 and 2), a content description (col. 8, lines 9-68) in a first ADL (application descriptive language) (col. 20, line 49- col. 23, line 53) which is a subset of MPEG-7 DDL (Description definition language) being translated into binary for communication to the first client (810 of fig. 8, Note translation (Modality) video to text, text to audio, and images to text; see also fig. 9), the

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method comprising: receiving, by the first client (103 of fig. 1), the binary communication corresponding to the content description in the first ADL (figs. 11-15); translating (1706 of fig. 17), by the first client, the binary communication into the first ADL (Note a binary code, any compression method produces binary code, which are 0 and 1), the binary communication translated using decoding code book generated by the first client using a frequency table (Note transcoding using conventional decompression and compression technique in the frequency domain, DCT domain having a codebook; see figure. 17), and a transform document (fig. 15; Note the baseline association 1509 constitutes the original collection of modalities for the multimedia document. These modalities can include, for example, as shown in FIG. 15; Video-i 1503, Audio-i 1504, Image-i 1505, and Text-i 1506. Also shown in FIG. 15 is Info-Pyramid DS 1501), the transform document for translating MPEG-7 DDL into the first ADL (col. 18, lines 11-15, Note a stream description, as defined by the present invention, is preferably a mapping from an elementary (or terminal) object or a composite (or nonterminal) object to a serial logical bit stream), the frequency table specifying occurrences for first ADL elements within the content description (col. 14, line 43-col.15, line 3), generating, by the server, the content description in the first ADL from a content description in the MPEG-7 DDL (col. 14, lines 43-68); generating, by the server, the transform document (col. 14, lines 61-68); the frequency table for translating the first ADL into binary; downloading, by the first client, the frequency table and the transform document, prior to receiving the binary communication (fig. 9; translation and compression); translating, by the server, the binary communication into the first ADL and the first ADL to the MPEG-7DDL and translating the MPEG-7 DDL into a second ADL different from the first ADL (fig. 4; Note the InfoPyramid of the present system preferably defines methods and/or criteria for

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generating, manipulating, transcoding and otherwise transforming the source multimedia content as desired, or as suitable for a particular target platform, device, or class of devices; see also fig. 9); wherein the compressed image that is the first ADL in binary communication is forwarded to the server (FIDELLITY, LOSSY COMPRESSION of fig. 9); translating the second ADL into binary communication for forwarding to the second client (figs. 17-18), the transform document for translating MPEG-7 into the first ADL (col. 14, line 58-col. 15, line 3).

It is noted that Bergman does not particularly teach translating the content description in the MPEG-7 DDL into a second ADL that is different from the first ADL and translating the content description in the second ADL into binary communication for forwarding to the second client as claimed.

However, Vetro teaches translating the content description in the MPEG-7 DDL into a second ADL that is different from the first ADL (310 of fig. 3) and translating the content description in the second ADL into binary communication for forwarding to the second client (320, 340, and 360 of fig. 3).

Therefore, taking the teachings of Bergman and Vetro as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Suzuki into Bergman in order to translating an encoded bit-stream information into another format so that the client is able to display the received information. Doing so would allow the client to automatically convert the incoming encoded signal into the specified format for displaying.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

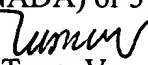
DaGraca et al. (US 6,646,676) discloses a network surveillance and control system.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Tung Vo
Primary Examiner
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